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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 000488

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SUBJECT: AZERBAIJAN: RESPONSE TO NGO LAW DEMARCHE

REF: A. BAXTER HUNT EMAIL 6/18/2009

[1](#)B. BAKU 477

Classified By: Deputy Chief of Mission Donald Lu, for reasons 1.4 b and d

[1](#)1. (C) SUMMARY: On June 18 DCM spoke to Head of the Presidential Administration's Office of Legal Policy Shahin Aliyev regarding proposed changes to Azerbaijan's NGO Law. Poloff also delivered Embassy concerns to Head of the Human Rights Protection Unit in the Department of Work with Law Enforcement Agencies in the Presidential Administration. This followed Ambassador's statement in the press June 17. Ambassador has requested meetings with Head of the Presidential Administration, the Foreign Minister, and Head of the Presidential Administration's Department on Social-Political Issues to deliver NGO points. The law is scheduled to be debated in parliament on June 19, although it may be delayed until June 30. In a very rare event, on June 18 members of the major opposition parties and all major NGOs participated in a public forum denouncing the new amendments and plan to picket the parliament during the session on June [1](#)19. END SUMMARY.

RESPONSE TO DEMARCHE

[1](#)2. (C) On June 18 the Deputy Chief of Mission spoke to Head of the Presidential Administration's Office of Legal Policy Shahin Aliyev to voice concerns about proposals in parliament to amend Azerbaijan's Law on NGOs. Aliyev, who was out-of-town on vacation, said that he would meet next week to discuss the issue. In addition, poloff delivered points to Head of the Human Rights Protection Unit in the Department of Work with Law Enforcement Agencies in the Presidential Administration Chingiz Asgarov. Asgarov stated that the draft amendments originated in the parliament, not in the presidential administration, but he is aware of the objections raised by the international community and Azerbaijani civil society. He stated that if the parliament passed these amendments, President Aliyev would have one month to decide whether to sign them. Asgarov said he would send his analysis on how these amendments comply with European law to the President for his consideration.

[1](#)3. (C) The Embassy has also sent a diplomatic note to MFA to request meetings for the Ambassador with the Head of the Presidential Administration, the Foreign Minister, and Head of the Presidential Administration's Department on Social-Political Issues to raise concerns.

DEBATE ON AMENDMENTS MAYBE DELAYED

¶4. (C) The amendments on the Law on NGOs, along with amendments on several other laws including the Law on Religious Freedom and the Law on Mass Media, are now placed last on a crowded agenda for parliament's June 19 session. Head of Parliament's Committee on Legal Policy Ali Huseynov, who originally introduced these amendments, stated on June 18 that he believed that parliament would not have time to debate these amendments on June 19, and therefore another session of parliament would be called on June 30 to discuss them. In a separate discussion, MP Asim Mollazade told poloff he believed the amendments had been delayed because their proponents felt uncomfortable pushing them forward while President Aliyev is out of town.

CIVIL SOCIETY TO PROTEST

¶5. (U) Also on June 18, the recently formed "Civil Society Defense Committee," a grouping of over 70 NGOs formed to counter the proposed amendments to the NGO law, held a public forum dedicated to discussing these amendments (ref B). In a rare event, the forum, expertly moderated by Emin Huseynov of the Institute for Reporters' Freedom and Safety, brought together all sides of a fractious political opposition, both pro-government and independent NGOs, and members of the international community. Well over 100 people attended. The participants debated the outcome of the amendments if passed and the appropriate response from civil society. Qubad Ibadoglu of the Economic Research Center quantified the

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potential financial losses of the proposed changes. He commented that with the new restrictions on civil society, the international donor community will be forced to channel money, already earmarked for the South Caucasus, to Georgia and Armenia. The Forum ended with a decision that they amendments should be removed from parliament's agenda in their entirety. The group also decided to hold a picket outside parliament on June 19 if the amendments are not removed.

COMMENT

¶6. (C) The possible delay in passage of these amendments is a good sign that the GOAJ may be re-considering making these drastic legislative changes quickly. A postponement to June 30, however, offers little time to improve the drafts. Many people in the international community, including the OSCE Office in Baku, are meeting with various stakeholders at all levels of the GOAJ to convince the GOAJ to wait until a better law on this topic could be drafted, in consultation with international experts. In addition, the unanimous disapproval of the amendments by all segments of Azerbaijan's civil society and their ability to organize rapidly against these amendments is a remarkable step, and certainly will be noticed by the GOAJ. The Embassy will continue to monitor this situation at all levels.

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